

No. PD-0831-18

In the
Court of Criminal Appeals
of Texas

FILED
COURT OF CRIMINAL APPEALS
2/26/2019
DEANA WILLIAMSON, CLERK

On Discretionary Review from the
Court of Appeals
for the
Fourteenth Judicial District of Texas
At Houston
No. 14-17-00098-CR

Cause No. 2109329
In the County Criminal Court at Law No. 6
of Harris County, Texas

MARC WAKEFIELD DUNHAM
Appellant
V.
THE STATE OF TEXAS
Appellee

STATE'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A
REPLY BRIEF ON DISCRETIONARY REVIEW

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

THE STATE OF TEXAS, pursuant to TEX. R. APP. P. 10.1, 10.5(b) and 68.2(c), moves for an extension of time within which to file its reply to appellant's brief on discretionary review. In support of its motion, the State submits the following:

1. Appellant was convicted of the offense of deceptive business practice by a jury and sentenced to one year in jail.
2. On July 10, 2018, the Fourteenth Court of Appeals affirmed the conviction.
3. Appellant's petition for discretionary review (PDR) was granted by this Court on December 5, 2018.
4. Appellant's brief on discretionary review was filed on January 25, 2019.
5. The State's reply brief on discretionary review is due tomorrow, February 24, 2019.
6. The State seeks a three-week extension until Monday, March 18, 2019, to file its brief.
7. This is the State's first request for an extension.
8. The following facts are relied upon to show good cause for the requested extension:
 - (1)The appellate prosecutor originally assigned this appeal left the Harris County District Attorney's Office. As a result, this case was reassigned to me on February 11, 2019.
 - (2)Since my assignment to this case, I timely filed a brief in another case, which was due in the First Court of Appeals (*Romano v. State*, 01-18-00538-CR, brief filed Monday, February 18, 2019).
 - (3)Additionally, a significant portion of my time since my assignment to this case was spent on preparation for oral argument on a case last week in the Fourteenth Court of Appeals (*Johnson v. State*, 14-18-00092-CR, oral argument at 1:30 p.m. on February 19, 2019).

Therefore, the additional requested time is needed so that I may read and familiarize myself with the record in this case and formulate an appropriate argument.

WHEREFORE, the State prays that this Court will grant the requested extension.

Respectfully submitted,

/s/ Cory Stott

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CERTIFICATE OF SERVICE

This is to certify that I have requested that a copy of the foregoing instrument be emailed by the e-filing software used by the Texas courts to Josh Schaffer, appellate counsel for Appellant, and to the State Prosecuting Attorney at:

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Date: February 23, 2019